
Commerce & Labor Committee

HB 1811

Brief Description: Licensing soil scientists.

Sponsors: Representatives Wood, Condotta, Conway, Kirby, Crouse, Hunt, Cox and Williams.

Brief Summary of Bill

- Establishes licensing requirements for soil scientists, with an advisory committee and with fees that are deposited in the dedicated Geologists' Account.

Hearing Date: 2/16/05

Staff: Rebekah Ward (786-7106).

Background:

A licensing program for persons practicing geology in Washington was enacted in 2000. The Department of Licensing administers this program with the advice of the State Geologist Licensing Board. Minimum requirements for licensure as a geologist include specified education and experience, and passage of a written examination.

Persons who practice geology for others must be licensed. However, some activities do not require a license, including general scientific work customarily performed by soil scientists within specified limits. Soil science is not a licensed or regulated profession in Washington. The profession is licensed and regulated in 4 other states (Maine, Minnesota, North Carolina, and Wisconsin).

In 2003 the Legislature adopted a provision permitting public agencies to use the services of either a licensed geologist or a soil scientist to perform work that is within the scope of practice of either profession. Under this provision, soil science work includes the investigation, evaluation, planning, management, classification, and mapping of soil and the interpretation of soil behavior, including surface erosion, and the inspection and responsible charge of such work. This provision expires July 1, 2005.

Summary of Bill:

Licensing requirements for soil scientists are established. These requirements include work experience, education, and examination. An advisory committee is created. Fees and fines collected under the program must be placed in the dedicated Geologists' Account.

Soil science is the treatment and study of soils as natural resource on the surface of the earth including but not limited to soil formation, classification, conservation and mapping as well as the study of soil physical, chemical and biological properties. The practice of soil science involves soil science data collection, consultation, investigation, evaluation, interpreting, planning, mapping, and inspection.

Activities Subject to Licensing

A person practicing or offering to practice soil science for others must be licensed as a soil scientist. Unless otherwise exempt, this practice includes, but is not limited to the collection of soil science data, consultation, investigation, evaluation, interpretation, planning, soil mapping, or inspection relating to soil science.

Activities Exempt from Licensing

A person performing the following work need not be licensed as a soil scientist:

- work performed by an employee as long as a licensed soil scientist remains responsible for the work;
- soil science work performed by officers and employees of the United States;
- teaching the practice of soil science or performing soil science research.
- engineering or other work related to soil science if permitted under an engineering or other applicable license;
- general scientific work; and
- testifying before a tribunal or hearing and related activities.

Licensing With Examination

On or after July 1, 2006, in order to be licensed as a soil scientist, an applicant must:

- be of good moral and ethical character;
- have graduated from a satisfactory course of study in soil science or satisfy educational equivalents;
- have a minimum of five years of experience in soil science. A minimum of three years of the experience must be gained under the supervision of a licensed soil scientist or another qualified person. A maximum of two years of experience may be gained through graduate education;
- pass an examination covering the fundamentals and practice of soil science prescribed or accepted by the Geologist Licensing Board; and
- meet other requirements established by the Geologist Licensing Board.

Licensing Without Examination

A grandfather clause provides that, before July 1, 2006, a person who is currently certified and in good standing with the Soil Science Society of America is qualified for licensing without examination.

A reciprocity clause allows the Director to issue a soil scientist a license without examination to a person holding a valid license or certification from a proper authority in another jurisdiction, if the person who meets the licensing requirements of Washington.

Seal

Soil scientist license holders must obtain a seal which displays the licensee's name, certificate number, and the legend "licensed soil scientist." All documents prepared by the license holder must then be stamped with the seal or a facsimile of the seal certifying that the documents were prepared under the license according to the requirements of the soil science licensing program.

Unprofessional Conduct

The Uniform Regulation of Business and Professions Act (Act) governs unlicensed soil science practice. Violations of that Act constitute unprofessional conduct subject to the penalties established as part of the soil science licensing program.

Additionally, the Director of the Department of Licensing (Department) may take corrective action, including revoking or suspending a license, restricting practice, imposing civil fines up to \$5,000 for each violation, and requiring remedial education, where applicants engage in unprofessional conduct.

Consumers, licensees, corporations, organizations, state and local governments and agencies, and other members of the public may submit written complaints to the Department charging a license holder with unprofessional conduct and describing the grounds for the charge. The Director may investigate with or without a formal complaint to determine whether there has been unprofessional conduct by the licensee.

The unlicensed practice of soil science, presenting or attempting to use the license or seal another person, giving false or forged evidence to obtain a license, or attempting to use an expired or revoked license is subject to court assessment of fees, fines, and penalties. Any fees, fines, or penalties collected are remitted to the Department and deposited into the Geologists' Account.

The Director may apply for injunctive relief to restrain unauthorized acts. In application for an injunction the Director does not need to post a bond, allege irreparable harm from continued violations, or prove that there are inadequate remedies at law. The Director, anyone acting on the Director's behalf, and the Board are immune from suit in any action based on these proceedings or other acts performed in their official duties.

Advisory Committee

An advisory committee is established to provide recommendations to the Geologist Licensing Board and the Director of the Department concerning the implementation of the soil scientist licensing program, including recommendations on rulemaking, and complaints and investigations. The committee consists of five persons appointed by the Director of the Department, and the members must meet other professional and residential requirements.

Funding

Program fees and fines collected under the soil science licensing program are deposited in the Geologists' Account (Account). Moneys in the Account may be spent only after appropriation, and for the purposes of administering the soil scientist licensing program.

Rules Authority: The Department of Licensing is authorized to adopt rules regarding licensing fees, and rules approved by the Geologist Licensing Board related to the soil scientist licensing program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.